

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:21-CV-77-D

PHILLIP L. POOLE,

Plaintiff,

v.

ROBIN W. ROBINSON, et al.,

Defendants.

ORDER

On April 28, 2021, plaintiff filed a motion to proceed in forma pauperis [D.E. 1] and a complaint [D.E. 6]. Pursuant to 28 U.S.C. § 636(b)(1), the court referred the matter to Magistrate Judge Brian S. Meyers for a memorandum and recommendation on the plaintiff's motion to proceed in forma pauperis and for a frivolity review [D.E. 4]. On April 28, 2023, Magistrate Judge Meyers granted the motion to proceed in forma pauperis and issued a Memorandum and Recommendation ("M&R") recommending that the court dismiss the complaint for failure to state a claim upon which relief can be granted [D.E. 5].


"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond, 416 F.3d at 315 (quotation omitted). If a party makes only general objections, de novo review is not required. See Wells v.

Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In “order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

Plaintiff did not object to the M&R. Therefore, the court reviews for clear error. See Diamond, 416 F.3d at 315. The court has reviewed the M&R and the record. There is no clear error on the face of the record. See id.

In sum, the court has subject-matter jurisdiction, has reviewed the record, and ADOPTS the conclusions in the M&R [D.E. 5]. The court DISMISSES WITH PREJUDICE plaintiff’s complaint for failure to state a claim upon which relief can be granted [D.E. 6]. The clerk shall close the case.

SO ORDERED. This 19 day of May, 2023.



JAMES C. DEVER III
United States District Judge